

REMARKS

Claims 1-29 and 31-34 are all the claims pending in the application.

By this Amendment, Applicant amends claims 1, 14-15 and 28-29. No new matter is added. Support for the amendments is found, *e.g.*, at pages 2-4 of the specification as filed. Reconsideration and allowance of claims 1-29 and 31-34 are respectfully requested in view of the following remarks.

I. Rejection under 35 U.S.C. § 112

Claims 10-12, 14, 24, 25, 29, and 31-34 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Regarding claims 10 and 24, the Examiner indicates the phrase “and then to simulate the sending of primary data representing said state information” renders the claims indefinite. The Examiner states “it unclear how the data processing device can simulate ‘sending primary data representing said state information.’ As claim 1 recites, ‘A data processing device comprising processing means for receiving, from equipment in a communications network, primary data,’ lines 1-2. The simulation appears to run contrary to what was previously claimed (receiving versus sending).”

Applicant respectfully disagrees the Examiner’s position. The claims recite “said interpreter is arranged to extract from said equipment chosen information able to allow determination of said alarm state, and then to simulate the sending of primary data representing said state information, so as to generate an alarm intended to indicate to the management device the alarm state of said equipment.” Applicant respectfully submits that within the data processing means for receiving, there are components able to receive and sending information,

e.g., the interpreter to the management device. Applicant submits, the claims read, in light of the specification, would not be ambiguous to a person of ordinary skill in the art.

Section 2173.02 of the Manual of Patent Examining Procedure (MPEP) states:

In reviewing a claim for compliance with 35 U.S.C. 112, second paragraph, the examiner must consider the claim as a whole to determine whether the claim apprises one of ordinary skill in the art of its scope and, therefore, serves the notice function required by 35 U.S.C. 112, second paragraph, by providing clear warning to others as to what constitutes infringement of the patent. See, e.g., *Solomon v. Kimberly-Clark Corp.*, 216 F.3d 1372, 1379...The requirement to ‘distinctly’ claim means that the claim must have a meaning discernible to one of ordinary skill in the art when construed according to correct principles....Only when a claim remains insolubly ambiguous without a discernible meaning after all reasonable attempts at construction must a court declare it indefinite. See *Metabolite Labs., Inc. v. Lab. Corp. of Am. Holdings*, 370 F.3d 1354, 1366, 71 USPQ2d 1081, 1089 (Fed. Cir. 2004).

(Emphasis added)

Here, one skilled in the art would have recognized that “said interpreter...is [able] to simulate the sending of primary data representing said state information...” Therefore, claims 10 and 24 clearly discern the mete and bounds of the invention and that one skilled in the art would not find these claims indefinite applying the correct principles announced by the Court in *Metabolite Labs* cited above.

Regarding claims 14 and 29, these claims are amended to overcome the rejection.

In view of the above argument and the amendments, Applicant respectfully requests the withdrawal of the 35 U.S.C. § 112, second paragraph rejection.

II. Rejection under 35 U.S.C. § 103(a)

Claims 1, 2, 5-9, 13-16, 19-23 and 27-29 are rejected under 103 (a) as being unpatentable over Spencer (U.S. Patent No 6,253,243; hereinafter "Spencer") in view of Coley et al. (U.S. Patent No. 5,751,914; "Coley"). Claims 3, 4, 17 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Spencer and Coley in further view of "what was well know and expected in the art at the time of the invention." Claims 10-12, 24-36 and 31-34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Spencer and Coley in further view of Stilwell (U.S. Patent No. 5,907,696; hereinafter "Stillwell"). Applicant respectfully traverses these rejections.

The Examiner contends that "there are no limitations directed to the structure or content of the scripts, the scripts are simply present in the recited claim." *See* Continuation sheet of the Advisory Action of February 5, 2008. Amended independent claims 1, 14-15 and 28, *inter alia*, recite "wherein the scripts are provided in a format other than program code." Neither Spencer nor Coley discloses or suggests this unique feature of now amended claims 1, 14-15 and 28.

Applicant submits that

[a] scripting language, script language or extension language, is a programming language that controls a software application. **"Scripts" are often treated as distinct from "programs"**, which execute independently from any other application. At the same time they are **distinct from the core code** of the application, which is usually written in a different language, and by being accessible to the end user they enable the behavior of the application to be adapted to the user's needs. **Scripts are often, but not always, interpreted from the source code** or "semi-compiled" to bytecode which is interpreted, unlike the applications they are associated with, which are traditionally compiled to native machine code for the system on which they run. Scripting

languages are nearly always embedded in the application with which they are associated (emphasis added).

See, e.g., extract from Wikipedia “Scripting language”, page 1 of 5 (copy enclosed). In other words, “Scripts” are well known in the art as being distinct from program code. As a consequence, scripts need to be interpreted by an interpreter, as recited in claims 1, 14-15 and 28, and cannot be executed independently from an interpreter in a way, program code is executed.

Contrary to the use of scripts and interpreters, the system in Spencer is based on program codes. The same rationale applies to Coley. The correlation of multiple events in Coley is also implemented based on program codes and not based on interpreted scripts. As a consequence, the combined teachings of Spencer and Coley do not disclose or suggest the above-noted unique feature of claims 1, 14-15 and 28. Stilwell does not remedy the deficiencies of Spencer and Coley.

Therefore, Applicant respectfully requests that the rejection of claims 1, 14-15 and 28 under 35 U.S.C. § 103(a) be reconsidered and withdrawn. Claims 2-13, 16-27, 29-34 are patentable at least by virtue of their dependency on claims 1, 14-15 and 28, respectively.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.114(c)
U.S. Application No.: 10/625,721

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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